

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2020 FEB 24 AM 10:48

United States of America

v.

David RAMIREZ

Case No.

EP20MJ1344-RFC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 21, 2020 in the county of Hudspeth in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 8 U.S.C § 1324 (a)(1)(A)(ii)
 and (a)(1)(B)(i)

Offense Description

knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States in furtherance of said violation of law, for the purpose of commercial advantage and private financial gain.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.


Complainant's signature

Juan C. Vargas - HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/24/2020

Judge's signature

City and state: El Paso, Texas

Robert F. Castaneda - U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On February 21, 2020, at approximately 6:45 am, USBP Agents working the Fort Hancock area of responsibility, responded to a sensor activation in an area known for previous alien smuggling activities near highway Texas-20. USBP Agents observed a black Jeep Cherokee bearing TX registration LLL1731 in the area, there were no other vehicles within the area at the time. USBP Agents had observed the vehicle traveling westbound approximately ten minutes earlier and had now seen the vehicle traveling eastbound on Texas-20. Fort Hancock is a small farm town community and USBP Agents are aware of local vehicles and the black Jeep Cherokee was not from the local community.

USBP Agents began to follow the vehicle and observed only the front passenger through the windshield, Agent also observed that the vehicle was riding higher from the front than usual and was bouncing from the rear, an indication that the vehicle might contain a heavier load. The vehicle was also traveling slower than usual for traffic in the area. The Jeep Cherokee came to an abrupt stop at the middle of the road and the driver got off walking aggressively with his hands in the air yelling if he was going to be stopped. USBP Agent did not conduct a traffic stop at the time but asked the driver later identified as David RAMIREZ to get back into his vehicle. USBP Agent requested assistance due to RAMIREZ' demeanor. USBP Agent then checked the Texas registration the vehicle was displaying (LLL1731). The checks returned to a 2014 Buick, 4 door white in color. Based on all the contributing factors, USBP Agents then conducted an immigration stop on the vehicle for further investigation.

USBP Agents pulled the vehicle over. The vehicle came to a stop in the middle of the road on Texas-20. The Agent approached and identified himself as a Border Patrol Agent. RAMIREZ was the driver and appeared to be nervous as his hands were shaking and he kept turning around and looking toward the rear seats. USBP Agent asked the driver out of the vehicle and observed in plain view passengers in the back seat attempting to conceal themselves. USBP Agents asked RAMIREZ about the passengers to which he admitted to picking them up on Texas-20.

USBP Agents identified themselves as Border Patrol Agents and questioned the passengers that were attempting to conceal themselves. All five passengers admitted to being foreign nationals and had just made entry into the United States illegally. The foreign nationals admitted to not have possession of immigration documents that allowed them to be or remain in the United States legally. All occupants were transported to the Fort Hancock Border Patrol Station where their immigration status was confirmed as being illegally present in the United States. USBP Agents summoned the assistance of Homeland Security Investigations (HSI) Special Agents.

Homeland Security Investigation (HSI) Special Agents (SA) Juan Vargas, who is assigned to the Sierra Blanca Border Enforcement Security Taskforce (SB/BEST), responded to the USBP Fort Hancock Border Patrol Station and initiated an investigation.

SA Vargas along with Border Patrol-Intelligence (BPA-I) Noe Portillo conducted a recorded custodial interview of David RAMIREZ. In the recorded interview, SA Vargas presented RAMIREZ with his Miranda Rights. RAMIREZ read and acknowledged his rights by signing the form. RAMIREZ agreed to voluntarily speak with Agents without the presence of an attorney.

RAMIREZ stated to SA that he had been hired by an acquaintance, who belongs to a Transnational Criminal Organization (TCO), to pick up people for \$200 per person. RAMIREZ admitted that he knew the people he was picking up were illegal because that's what his acquaintance does for a living. RAMIREZ stated he decided to pick up the illegal aliens because he needed money due to his child being in the hospital. RAMIREZ stated that he was going to transport the aliens to an unknown hotel in El Paso, Texas. RAMIREZ stated that when he observed the marked Border Patrol unit behind him he pulled over in an attempt to surrender and let the Agent know that he had in fact picked up illegal aliens but he was ordered back into the vehicle and then eventually pulled over.

V.A.D. is being retained as Material Witness 1. V.A.D. agreed to be a material witness and admitted he/she hailed from Mexico and had traveled to Ciudad Juarez where his/her family had made arrangements with an Alien Smuggling Organization (ASO) to smuggle him/her into the United States. V.A.D. was smuggled into the United States and was hiding in the brush with the rest of the group. V.A.D. stated someone in the group had direct contact with the smugglers in Mexico. V.A.D. stated he/she observed a black compact SUV and followed the group and loaded up in the vehicle. V.A.D. positively identified RAMIREZ as the sole occupant and driver of the vehicle. V.A.D. stated they got into the vehicle and did not travel far when they heard the driver say that they were in trouble. V.A.D. believed they had been stopped by law enforcement and observed the driver get off the vehicle and then get back on. V.A.D. stated that shortly thereafter they were taken into custody by USBP.

A.S.J. is being retained as Material Witness 2. A.S.J. agreed to be a material witness and admitted he/she hailed from Mexico and had traveled to Ciudad Juarez where his/her family remained in contact with an Alien Smuggling Organization (ASO) who assisted in his/her travel. A.S.J. was smuggled into the United States and was hiding in the brush with the rest of the group. A.S.J. stated that he/she observed a black compact SUV and followed the group and loaded up in the vehicle. A.S.J. positively identified RAMIREZ as the sole occupant and driver of the vehicle. A.S.J. stated they got into the vehicle and RAMIREZ asked if they were the ones he was picking up. RAMIREZ then told them to hurry up and get in the vehicle. A.S.J. stated that RAMIREZ then said here comes the Border Patrol. A.S.J. stated that shortly thereafter they were taken into custody by USBP.

I make this affidavit on the basis of my personal knowledge and information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.